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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,089	10/03/2003	Nicholas F. Borrelli	SP02-053	3535
22928	7590	05/17/2006		
CORNING INCORPORATED				
SP-TI-3-1				
CORNING, NY 14831				
			EXAMINER	
			MCPHERSON, JOHN A	
			ART UNIT	PAPER NUMBER
			1756	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,089

Applicant(s)

BORRELLI ET AL.

Examiner

John A. McPherson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/04, 3/04, 3/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, drawn to a lens array and a method of making the lens array, classified in class 430, subclass 321.
 - II. Claims 17-25, drawn to a photosensitive glass plate, classified in class 501, subclass 64.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product as claimed can be used in a materially different process, such as a process of making a photographic image, a process of making louvers, or a process of making printed circuit boards.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

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3. During a telephone conversation with Tim Schaeberle on 5/3/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,572,611 to Bellman et al. (Bellman '611), incorporating US 2,628,160 to Stookey (Stookey '160) by reference, in view of US 5,062,877 to Borrelli et al. [reference AA of the Information Disclosure Statement filed 3/31/05] (Borrelli '877).

Bellman '611 discloses an array of microlenses integral with a glass surface and a method of making the same, the method comprising the steps of selectively exposing a photonucleable, opacifiable glass to short wavelength radiation and subsequently providing a heat treatment. See column 2, lines 55-57; column 5, lines 3-47; and column 9, lines 4-20. Furthermore, Bellman '611 incorporates Stookey '160 by reference for its teaching of several glass composition families. See column 8, line 59 to column 9, line 3 and column 9, lines 21-29.

Stookey '160 teaches a photosensitively opacifiable glass composition preferably comprising 78-83% SiO_2 , 10-13% Li_2O , 2-5% K_2O , up to 10% Al_2O_3 , 0.001-0.020% of silver computed as AgCl , i.e. 0.0075-0.015% Ag [based on atomic weights of 107.868 for Ag and 35.453 for Cl , $107.868/(107.868 + 35.453) = 0.75263$ Ag in AgCl , therefore $0.001\% \text{AgCl} \times 0.75263 = 0.00075\% \text{Ag}$ and $0.020\% \text{AgCl} \times 0.75263 = 0.015\% \text{Ag}$], and 0.005-0.05% CeO_2 . See column 3, lines 23-46. Additionally, Stookey '160 teaches another photosensitively opacifiable glass composition comprising 55-75% SiO_2 , 12-18% of a mixture of Na_2O and Li_2O , 2-5% K_2O , 2-12% Al_2O_3 , 0.001 to less than 0.01% gold computed as Au , 0.005-0.05% CeO_2 , and 1.8%-2.4% analytically determined fluorine. See column 4, line 74 to column 4, line 9.

However, neither Bellman '611 nor Stookey '160 disclose utilizing an ion exchange step. Borrelli '877 discloses a method of forming optical devices composed of a photonucleable, crystallizable, lithium silicate glass body having at least one glass lens integral with and rising above at least one surface thereof, comprising the steps of selectively exposing the glass to short wavelength radiation, heat treating the glass, and

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subjecting the glass to an ion exchange reaction wherein sodium and/or potassium ions from an external source are exchanged with lithium ions, the ion exchange reaction being conducted at a temperature 25-125 C above the annealing point of the glass for a time sufficient to produce an lens having an axial height in excess of 100% greater than that of lenses produced solely by selectively crystallizing the glass body. See the abstract; column 3, lines 32 to column 4, line 25; TABLE VIII; column 9, lines 29-31; and column 10, lines 1-4. It would have been obvious to utilize an ion exchange step, as taught by Borrelli '877, in the process of Bellman '611 (which incorporates Stookey '160 by reference) because it is taught that providing an ion exchange step increase the height of the lenses.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. McPherson whose telephone number is (571) 272-1386. The examiner can normally be reached on Monday through Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John A. McPherson
Primary Examiner
Art Unit 1756

JAM
5/15/06